

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

COMPLAINT OF MURRAY AMERICAN
RIVER TOWING, Inc., as owner of certain
barges, for Exoneration or Limitation of
Liability

Consolidated at Civil Action No. 2:17-cv-1315

Honorable David S. Cercone

COMPLAINT OF CAMPBELL
TRANSPORTATION COMPANY, Inc. for
Exoneration or Limitation of Liability

COMPLAINT OF GULF MATERIALS, LLC for
Exoneration or Limitation of Liability

**PETITION TO APPROVE DISTRIBUTION
OF WRONGFUL DEATH SETTLEMENT**

AND NOW comes Plaintiff, Lisa Bahus, Administratrix of the Estate of Ronald Vahosky, deceased, by and through her attorney Mark F. Haak, Esquire and the Moschetta Law Firm and provides this Petition to Approve Distribution of Wrongful Death Settlement and in support thereof avers as follows:

1. Decedent Ronald Vahosky drowned on April 23, 2015 while kayaking on the Monongahela River in Braddock, Pennsylvania.
2. At the time of the incident Mr. Vahosky was estranged from his wife, Tina Vahosky, with whom he had one child, Ronald David Vahosky, then age 10. This was Mr. Vahosky's only child.
3. On April 18, 2016, an estate was opened in the Court of Common Pleas of Allegheny County, Pennsylvania Orphan's Court Division at No. 021602242 naming Tina Vahosky as administratrix of the estate.
4. On April 21, 2017, a complaint was filed against multiple defendants, including Murray American River Towing, Inc. ("MARTI") and United States Steel Corporation ("U. S. Steel") in the Court of Common Pleas of Allegheny County, Pennsylvania at GD No. 17-5906.

5. On April 20, 2018, Gulf Materials, LLC was named as an additional defendant by U.S. Steel, one of the original defendants. Likewise, on April 20, 2018, a separate complaint was filed in the Court of Common Pleas of Allegheny County, Pennsylvania by the Estate of Vahosky against Gulf Materials, LLC at GD 18-5176.

6. MARTI, Gulf Materials and Campbell Transportation Co. each filed separate complaints in the United States District Court for the Western District of Pennsylvania as plaintiffs for exoneration and limitation of liability pursuant to the Vessel Owners Limitation of Liability Act regarding the circumstances surrounding April 23, 2015 incident at C.A. No. 2:17-cv-1315, C.A. No. 2:17-cv-1620 and C.A. 2:18-cv-1445, respectively.

7. On March 22, 2019, these cases were consolidated in this Court before the Honorable David S. Cercone at C.A. No. 2:17-cv-1315.

8. After discovery, the Estate of Vahosky agreed to dismiss Campbell Transportation.

9. On November 29, 2022, the administratrix of the estate, Tina Vahosky, died. She was subsequently replaced on March 28, 2023 by her sister, Lisa Bahun, as the administratrix of the estate. A copy of the Letters of Administration confirming that Lisa Bahun is the administratrix of the estate is attached as Exhibit 1.

10. MARTI has agreed to settle its claim with the Estate of Ronald Vahosky.

11. On June 7, 2023, the Estate of Ronald Vahosky agreed to settle its claims against the remaining parties.

12. The parties' agreement of the settlement is memorialized in a confidential Settlement Agreement and Mutual General Release, which will be provided to this Honorable Court for an *in camera* review.

13. Plaintiff's counsel has prepared a Settlement Statement which confirms attorney's fees at 35% (reduced from 40%), the total amount of costs incurred, and the total to be distributed to Ronald David Vahosky, age 19, the sole beneficiary of the Estate of Ronald Vahosky. A copy of the Settlement Statement will be provided to this Honorable Court for an *in camera review*.^{1 2}

14. Mr. Vahosky died intestate.

¹ This excludes the inheritance tax.

² Moschetta Law Office has assisted Plaintiff's counsel with the prosecution of this case. A portion of the attorney's fees will be distributed to Moschetta.

15. Therefore, pursuant to 20 Pa. CS §2103, all monies are to be distributed to his only remaining beneficiary, his son Ronald David Vahosky, presently age 19.

16. For inheritance tax purposes, the Pennsylvania Department of Revenue has agreed that one half of the money should be fairly allocated to survival, with the other half allocated to wrongful death. The amount allocated to the survival claim will be taxed at the rate of 4.5% the rate attributable to children of a decedent.

17. The Commonwealth of Pennsylvania Department of Revenue has agreed to this distribution. A copy of the Department of Revenue's acceptance of the distribution will be provided to this Honorable Court for an *in camera* review.

WHEREFORE, Plaintiff's counsel requests that this court enter an order authorizing distribution as set forth in the provided Settlement Sheet, including attorney fees of 35% of the total settlement amount, plus costs, with the remaining amount to be distributed to Ronald David Vahosky.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Petition to Approve Distribution of Wrongful Death Settlement was served on the following counsel of record through this Court's electronic case filing service this 13 day of October, 2023:


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By:


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